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Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-eighth year

Identical letters dated 10 January 2013 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

At the start of this new year, I am compelled to convey again our serious concerns regarding the illegal Israeli settlement campaign in the Occupied Palestinian Territory, including East Jerusalem, which is gravely undermining the contiguity, unity and integrity of the land of the State of Palestine and threatening to make impossible the achievement of the two-State solution for peace on the basis of the pre-1967 borders. We are at a critical juncture and believe that Israel's continuing flagrant contempt for international law demands urgent attention and responsible action by the international community, aimed at compelling the occupying Power to end all such grave breaches and at salvaging the prospects for a peaceful solution.

It is to be recalled that throughout the month of December 2012, Israel, the occupying Power, declared the intention to proceed with plans for the construction of more than 6,000 more illegal settlement units in the Occupied Palestinian Territory, with specific intent to further colonize areas in and around Occupied East Jerusalem. These provocative announcements were followed by the confirmation on 21 December of the approval for construction of 2,612 units for the illegal settlement of "Givat Hamatos"; a decision on 25 December on the construction of another 1,200 units in the "Gilo" area in Bethlehem; and the issuance on 29 December of confiscation orders for 456 dunums of land in the village of Beit Iksam, north-west of Jerusalem, for the construction of a wall that would surround the village from all sides and cut it off from over 12,000 dunums of its agricultural land.

At the core of this unprecedented settlement escalation are plans for the establishment of illegal settlements in sensitive areas to the east and to the south of Occupied East Jerusalem, namely the so-called "E1" area and a hill area between Jerusalem and Bethlehem, confiscated for the illegal "Givat Hamatos" settlement,

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both of which are integral to the continuity and viability of the State of Palestine. These Israeli plans have been deliberately made as a direct provocation and punitive measure against the Palestinian people and their leadership following the achievement of non-member observer State status by Palestine at the United Nations on 29 November 2012, a wholly legitimate political and diplomatic undertaking that received the overwhelming support of the international community, consistent with its long-standing commitment to the two-State solution based on United Nations resolutions, the Madrid principles, the Arab Peace Initiative and the Quartet road map.

Moreover, the decisions to move forward with such illegal, destructive plans, along with the already ongoing construction of settlements, so-called "outposts" and the Wall, have been made in total contempt of the will of the international community, which has repeatedly demanded the full cessation of settlement activities and called upon Israel to respect international law and relevant United Nations resolutions. In this regard, we again underscore that Israel's settlement construction and all other colonization measures in the Palestinian Territory occupied since 1967, including East Jerusalem, constitute grave breaches under article 49 (6) of the Fourth Geneva Convention and thus constitute war crimes, as also in accordance with article 85 (4) of the first additional protocol to the Geneva Conventions and article 8 (2) (b) (viii) of the Rome Statute of the International Criminal Court.

In the recent period, the suffering of the Palestinian civilian population as a result of this insidious settlement campaign has also intensified owing to the consequences of the Wall unlawfully constructed by Israel in the Occupied Palestinian Territory. In addition to the confiscation of land, isolation of villages and towns, obstruction of access to schools, hospitals, markets and agricultural lands, obstruction of movement, and suffocation of economic development, the Wall's negative environmental impact has become even more starkly evident owing to the severe winter weather that has affected Palestine in recent days. For example, heavy rains have caused severe flooding and damage in areas like Qalqilya, a city of 42,000 people, which is completely surrounded by the Wall, which is blocking the natural drainage of water and causing the backup of sewage. Such degradation and exploitation of the environment in Palestine as a result of this illegal colonization campaign constitutes yet another violation of the rights of the Palestinian people under Israeli occupation.

At this time, we must again draw attention to ongoing Israeli settler violence, destruction and terror against Palestinian civilians and properties in violation of international humanitarian and human rights law. Grave incidents during this period include the following:

(a) On 13 December 2012, armed Israeli settlers severely beat several Palestinian children in the Tel al-Rumeda area in central Al-Khalil;

(b) On 31 December 2012, dozens of Israeli settlers raided the village of Qusra, near Nablus, uprooting more than 190 olive trees, assaulting Palestinians and causing damage to homes and vehicles. That same day, settlers raided the village of Beit Ummar, near Al-Khalil, burning a car and tractor and vandalizing buildings with graffiti such as "A good Arab is a dead Arab.";

(c) On 3 January 2013, Israeli settlers attacked the village of Jaiud, south of Nablus, stoning Palestinians, injuring a two-year-old boy and his father and uncle and damaging several homes;

(d) Today, 10 January 2013, Israeli settlers attacked Palestinians who were playing in the snow in the village of Urif, south of Nablus. A young man, 22-year-old Tarik Zedan Al-Safadi, was shot with live ammunition in the clashes that ensued with the settlers and the Israeli occupying forces;

(e) Also today, 10 January, settlers fired on Palestinians from the Qusra village, wounding Samer Masameer, a 26-year-old Palestinian man.

All of these serious issues are exacerbating the situation and tensions on the ground and, if neglected, will have far-reaching negative consequences on the potential for the realization of a peace agreement based on the vision of two States living side by side in peace and security in accordance with the pre-1967 borders and achieving genuine Palestinian-Israeli coexistence, central for the achievement of peace in the Middle East. The Security Council in particular is duty-bound by the Charter of the United Nations to address such matters relevant to international peace and security and must act to hold Israel, the occupying Power, responsible for its violations and to preserve and advance the possibility of peace.

The Palestinian leadership remains committed to the path of peace and to the two-State solution and reiterates that the time is long overdue for the Security Council to reaffirm its relevant resolutions and pronounce itself once again in rejection of Israel's illegal settlement campaign at this critical crossroads that will determine the viability of the two-State solution and the path forward. A clear, firm message must be sent to Israel, the occupying Power, that its illegal policies must be ceased forthwith and that it must commit to peace or that it will be held accountable. The obstruction of peace must no longer be tolerated. Instead, all efforts must be focused on creating the appropriate atmosphere for the launching of a substantive, meaningful peace process aimed at bringing an end to the occupation, achieving the independence of the State of Palestine, with East Jerusalem as its capital, and achieving a just and permanent solution to the conflict in all its aspects.

This letter is in follow-up to our previous 448 letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 18 December 2012 (A/67/645-S/2012/942) constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of the State of Palestine to the United Nations